

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:08cr10

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

OLANDUS BROADWAY.)

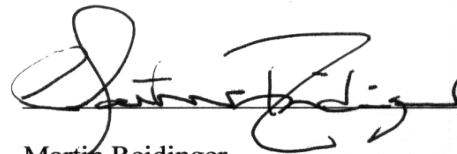
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ORDER

THIS MATTER is before the Court on the Defendant's Motion for Modification or Reduction of Sentence pursuant to 18 U.S.C. §3582(c)(2) [Doc. 58], filed May 11, 2009.

The Defendant claims he is entitled to a sentence reduction pursuant to the crack cocaine guideline amendment, Amendment 706. However, at the time the Defendant was sentenced, that amendment to the guidelines had become effective. Therefore, the amended guideline was in fact the guideline consulted in connection with the Defendant's sentence. Moreover, the Defendant was sentenced as a career offender and thus, was not sentenced based on a sentencing range lowered by the amendment. United States v. Hood, 556 F.3d 226, 234 (4th Cir. 2009).

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Modification or Reduction of Sentence pursuant to 18 U.S.C. §3582(c)(2) [Doc. 58] is hereby **DENIED**.


Martin Reidinger
United States District Judge



Signed: May 20, 2009